DETAILED ACTION

Priority

1. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takano (US 5,448,728)** in view of **Kobayashi (US 2004/0042363).**

Regarding claims 1 and 18,

Takano teaches a system for accessing a write-once read many storage medium comprising: a pickup ***(inherent),*** and controller **("11", figure 1),** and an overwrite method of an optical disc, comprising the steps of: that a recording mode applied to an optical disc is a sequential recording mode in which data is recorded sequentially onto sequential recording ranges allocated to a data area of the optical disc **(see F1,F2 in figure 2),** wherein each of the sequential recording ranges is one of an open sequential recording range having a next writable area or a closed sequential recording range having no writable area **(see the discussion of non-**

writing state i.e., "open" sequential recording range in column 6, lines 17-23); performing an overwrite for an overwrite-requested data onto a replacement recording area, wherein if the overwrite is requested in an open sequential recording range **(column 6:35-36 discloses overwrite data stored in an open area**), wherein if the overwrite is requested in an open sequential recording range, a next writable area within the open sequential recording range is identified as the replacement recording area **(column 5, line 36-column 6, line 10; column 6:52-55 and Figure 3; column 7:31-38 and Figure 6A).**

Takano fails to expressly teach that the controller performs the step of confirming whether a recording mode applied to the optical disc is a sequential recording mode.

Kobayashi teaches, in **paragraphs [0034], [0035] and [0036],** a recording/reproduction apparatus wherein a method of recording to an optical storage medium may be specified. Kobayashi teaches that method selection is made prior to carrying out the recording operation, wherein one of a "normal" recording mode and a "data protecting" recording mode may be selected (the selection of the "normal" mode is interpreted as corresponding to "confirming whether a recording mode applied to the optical disc is a sequential recording mode"). Kobayashi further teaches that the normal recording mode is defined as sequentially recording data on an optical disc.

At the time of the invention, it would be obvious for one of ordinary skill in the art to modify the overwrite system of Takano per the teachings of Kobayashi such that prior to performing an overwrite recording operation, one of at least two recording methods may be confirmed. Kobayashi teaches a choice between one of a "normal" sequential recording method and a "data protecting" recording method. By modifying the device of Takano, one could easily

carry out the sequential recording method disclosed therein, or elect to "data protect" the recorded overwrite data, so that only the device which performs the recording operation may reproduce the recorded data.

3. **Claims 9 and 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takano (US 5,448,728)** in view of **Kobayashi (US 2004/0042363)** as applied to claims 1 and 18, and further in view of **Hwang (US 2004/0246852 A1).**

Regarding claim 9,

The combined disclosures of Takano and Kobayashi teach the overwrite method of claim 1. Takano and Kobayashi fail to expressly teach that location information of the overwrite-requested area and the replacement-recorded area is recorded as management information.

Hwang teaches that after execution of the overwrite, location information of the overwrite-requested area and the replacement-recorded are is recorded as management information **(paragraph [0054] discloses writing data to disc, verification of data, creation of TDFI and storage of TDFI in TDMA-temporary defect management area).**

It would have been obvious for one of ordinary skill in the art at the time of the invention to alter the combined disclosures of Takano and Kobayashi, per the disclosure of Hwang, for the purpose of specifying the position of the defect and the substitute area for the defect at the initialization of the disc.

Regarding claim 19,

Hwang teaches the apparatus of claim 18, wherein a controller is configured to control the pickup unit to write location information of the overwrite-requested area and the replacement-recorded area is recorded as management information, after execution of the overwrite **(see discussion of controller "520" in paragraph [0049] – [0058]).**

Regarding claims 20 and 21,

Hwang teaches that method of claim 9, and the apparatus of claim 19, wherein the location information is recorded in a temporary management area **(paragraph [0054] discloses the storage of TDFL and TDDS in the TDMA -temporary defect management area).**

Regarding claim 22,

Takano teaches an optical disc comprising a data area configured to allocate one or more sequential recording ranges **(figure 2)** in a sequential recording mode in which data is recorded sequentially onto sequential recording ranges wherein each of the sequential recording ranges is one of an open sequential recording range having a next writable area or a closed sequential recording range having no writable area **(see the discussion of non-writing state i.e., "open" sequential recording range in column 6, lines 17-23);** performing an overwrite for an overwrite-requested data onto a replacement recording area, wherein if the overwrite is requested in an open sequential recording range **(F2 in figure 2),** a next writable area within the open sequential recording range is identified as the replacement recording area **(column 5, line 64 – column 6, line 10).**

Takano fails to expressly teach that location information of the overwrite-requested area and the replacement-recorded area is recorded in a temporary management area.

Hwang teaches that the location information may be recorded in a temporary management area **(paragraph [0054] discloses the storage of TDFL and TDDS in the TDMA -temporary defect management area).**

It would have been obvious for one of ordinary skill in the art at the time of the invention to alter the combined disclosures of Takano and Kobayashi, per the disclosure of Hwang, for the purpose of specifying the position of the defect and the substitute area for the defect at the initialization of the disc.

Response to Arguments

4. Applicant's arguments with respect to claims rejected in the official action mailed 03/12/2010 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627